

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY JAMES LEPRE,	:	
Plaintiff	:	CIVIL ACTION NO. 3:12-0695
v.	:	(MANNION, D.J.) (CARLSON, M.J.)
CITY OF SCRANTON POLICE DEPARTMENT, <u>et al.</u>,	:	
Defendants	:	

MEMORANDUM

Pending before the court is a report and recommendation filed by Judge Carlson on March 11, 2013, to which no objections have been filed. (Doc. No. [14](#)). In his report, Judge Carlson recommends that the plaintiff's amended complaint alleging false arrest and excessive force claims against defendants Mayer and Lee be served, and that the remaining claims and parties should be dismissed with prejudice. Upon review, the court will adopt Judge Carlson's report.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed. R. Civ. P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#),

[812 F.2d 874, 878 \(3d Cir. 1987\)](#) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

Within the report, Judge Carlson thoroughly reviews the plaintiff's amended complaint which includes state law criminal and civil claims, as well as federal civil rights claims, and determines that, with the exception of the false arrest and excessive force claims brought against defendants Mayer and Lee in their individual capacity, the plaintiff's amended complaint should be dismissed with prejudice. Because the court agrees with the sound reasoning that led Judge Carlson to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*

MALACHY E. MANNION
United States District Judge

Date: April 11, 2013

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